

Todd F. Silbergeld
Director
Federal Regulatory

SBC Communications Inc.
1401 I Street, N.W.
Suite 1100
Washington, D.C. 20005
Phone 202 526-8888
Fax 202 408-4806



August 14, 1997

EX PARTE PRESENTATION

EX PARTE ORAL PRESENTATION

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED

AUG 14 1997

Re: *In the Matters of American Communications Services, Inc.'s Petition for Declaratory Ruling Regarding Preemption of the Arkansas Telecommunications Regulatory Reform Act of 1997 and MCI Telecommunications Corporation's Petition for Expedited Declaratory Ruling Regarding Preemption of the Arkansas Telecommunications Regulatory Reform Act of 1997, CC Docket No. 97-100*

Dear Mr. Caton:

On August 6, 1997, representatives of Southwestern Bell met with several staff members of the Common Carrier Bureau's Policy and Program Planning Division in connection with the above-referenced proceeding. During the meeting, staff members requested general information concerning the status of local interconnection agreements in Arkansas that have been negotiated or arbitrated. Staff also inquired about the status of Southwestern Bell's Statement of Generally Available Terms and Conditions.

Pursuant to the request, attached are several documents, including a list of approved and pending local interconnection agreements in Arkansas. In addition, attached are orders of the Arkansas Public Service Commission approving local interconnection agreements between Southwestern Bell and CLECs, an order permitting Southwestern Bell's Statement of Generally Available Terms and Conditions to become effective pending further review, and a matrix describing the issues raised in the arbitration case involving AT&T Communications of the Southwest, Inc.

In accordance with the Commission's rules, an original and two copies of this letter are submitted herewith.

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Mr. William F. Caton
August 14, 1997
Page 2

Should you have any questions concerning the foregoing,
do not hesitate to contact me.

Very truly yours,

Todd J. Sigel

Attachments

cc: Ms. Newman
Mr. Starr
Ms. Hom

SOUTHWESTERN BELL TELEPHONE COMPANY ARKANSAS

Local Interconnection Agreements (as of August 13, 1997)

	LOCAL SERVICE PROVIDER	STATUS
1	ALLTEL Communications, Inc.	<i>Approved</i>
2	American Communications Services of Little Rock, Inc.	<i>Approved</i>
3	AT&T Communications of the Southwest, Inc.	<i>Pending</i>
4	Brooks Fiber Communications of Arkansas, Inc.	<i>Approved</i>
5	Capital Telecommunications Inc.	<i>Approved</i>
6	Caprock Communications Corporation	<i>Pending</i>
7	Comm South Companies, Inc. d/b/a Arkansas Comm South	<i>Approved</i>
8	Fast Connections, Inc.	<i>Approved</i>
9	Intermedia Communications	<i>Approved</i>
10	Interprise America	<i>Pending</i>
11	Max-Tel Communications, Inc.	<i>Approved</i>
12	Preferred Carrier Services	<i>Approved</i>
13	Sterling International Funding d/b/a Reconex (Ameritel)	<i>Approved</i>
14	Tie Communications, Inc.	<i>Approved</i>
15	US Long Distance	<i>Approved</i>
16	U.S. Telco, Inc.	<i>Pending</i>

JUL 24 3 39 PM '97

ARKANSAS
PUBLIC SERVICE COMMISSION

FILED

IN THE MATTER OF A RULEMAKING TO)
IDENTIFY, REPEAL AND/OR AMEND RULES) DOCKET NO. 97-040-R
AND REGULATIONS IN COMPLIANCE WITH) ORDER NO. 8
ACT 77 OF 1997)

ORDER

On February 6, 1997, the Commission entered Order No. 1 initiating this Docket in compliance with §11(d) and (e) of 1997 Ark. Act 77 (Act 77). §11(d) and (e) of Act 77 provide that:

- (d) Not later than 180 days after the effective date of this Act, the Commission shall conduct a rule making proceeding to identify and repeal all rules and regulations relating to the provision of telecommunications service which are inconsistent with, have been rendered unnecessary by, or have been superseded by either this Act or the Federal Act [Telecommunications Act of 1996].
- (e) Not later than 180 days after the effective date of this Act, the Commission shall revise its rules so that they apply, except as expressly provided in this Act, equally to all providers of basic local exchange service.

In Order No. 1, the Commission established a procedural schedule for the filing of comments and scheduled a public hearing. The Commission directed the parties to "identify with specificity those rules and regulations or parts thereof affected by Act 77 and the specific action which should be taken, including specific proposed modifications or amendments to rules and regulations so identified, and initial comments should include specific proposed revisions pursuant to Act 77, §11(e)." Comments and reply comments were filed by the Incumbent Local Exchange Carriers (ILECs), ALLTEL Arkansas, Inc. and ALLTEL Communications, Inc. (ALLTEL), AT&T Communications of the Southwest, Inc. (AT&T), the Attorney General (AG)

and the Staff of the Public Service Commission (Staff). A public hearing was held on May 27, 1997.

The ILECs proposed extensive revision of the Commission's rules, including revision of the Commission's Rules of Practice and Procedure (RPPs) and a new set of rules to be known as the Telecommunications Providers Rules (TPR). The ILECs propose to duplicate sections of Act 77 as rules. The ILECs propose combining selected sections of the General Service Rules with the Special Rules - Telecommunications (SRT) and the Rules for Interexchange Service Providers (IXC Rules) to form the TPR. In combining the rules into the TPR, the ILECs also proposed amendments to the existing rules which they propose to consolidate in the TPR.

In the revised rules, the ILECs propose to reduce the quality of service prescribed in the rules and give telecommunications providers greater discretion to impose charges on customers unrelated to the charges for telephone service. Proposed TPR 6.13(I), T. 606-7. The ILECs propose to add rules such as TPR 5.02 which would allow a telecommunications provider to issue additional bills to customers outside the normal billing cycle. The ILECs' proposed TPR 5.02 would allow a shut off notice to be issued five days after the additional bill was mailed, thus, allowing the customer very little time to pay this unexpected telephone bill. If all telephone customers in the state had access to multiple local exchange providers for service, many of the ILEC proposed rule changes might be acceptable. However, few, if any, telephone customers in the state actually have the option of choosing another local exchange provider for basic local service at this time and in many areas of the state, telephone customers may never have this option.

For the majority of the ILEC's proposed changes in the TPR, the ILECs could not demonstrate that the existing rules "were inconsistent with, have been rendered unnecessary by, or have been superseded by either this Act or the Federal Act." Act 77, §11(d). The ILEC witness, Mr. John Strode, President of E. Ritter Telephone Company, testified that the ILECs proposed TPR 13.04(a) which changed the definition of business service from "substantial use of the service is business related rather than domestic" [STR 3.04(a)] to "use of the service for

business-related purposes is more than nominal" [ILEC TPR 13.04]"was an effort to try to clarify a little bit what is a business phone." [Emphasis added] T. 615. However, Mr. Strode conceded that the proposed definition is not clearer and it lowered the threshold of business related usage necessary before a telecommunications provider could charge business rates for service. He also could not cite any justification for this proposed change in Act 77 or the Federal Act. Mr. Strode testified that other ILEC proposed changes in the rules were not directly related to Act 77 or the Federal Act.

The AG appropriately summarized the ILEC proposed TPRs stating that:

[I]n consolidating these rules, the LECs have done more than merely eliminate redundancies and make changes necessitated by Act 77 and the Federal Act. The LECs have used the opportunity to try to eliminate provisions in the current rules that they do not like, and to add other provisions that they would like to see added. They do so without providing any explanation or justification for these substantial changes; the LECs do not even acknowledge that they are proposing substantial and unnecessary changes. The AG asks the Commission to reject this efforts of the LECs to exceed the scope of this docket. T. 288.

The ILECs and the AG both recommend that the rules incorporate broad sections of Act 77. In particular, both parties recommend that large portions of §12 of Act 77 be included in the rules but the ILECs propose adding some language which is not in §12 to their proposed rules. The language the ILECs propose to add to §12 in RPP 9.17 is not consistent with §12 of Act 77.

Staff contends that the wholesale repetition of Act 77 within the rules is unnecessary. Staff points out in its Post-Hearing Reply Brief that "company personnel and Staff are expected to be familiar with relevant laws affecting telecommunications providers. There are many relevant statutory provisions in Title 23 of the Arkansas Code which do not appear in Commission rules." Staff Reply Brief at 1. Statutes which do not appear in Commission rules are still valid and enforceable without being copied into Commission rules. Rules are meant to provide any needed explanation of statutes and to provide any procedure necessary to implement statutes. Rules are not meant to be a mere repetition of statutes.

In its Post-Hearing Reply Brief, Staff contends that the ILECs overused §2 of Act 77 to support the ILECs extensive changes in the rules and "have eliminated too many rules for themselves and imposed too many new rules on IXCs." Staff Reply Brief at 2. Staff's proposed rules provide that all companies providing interexchange service are subject to the same regulations and companies providing local exchange service are subject to the same regulation. Staff states that "differing levels of competition in those different service areas is the reason for distinguishing the regulatory treatment. Staff believes regulating all telecommunications providers uniformly by service is consistent with Act 77 and the Federal Act." Id. at 3.

The Staff proposed rules, as amended, are consistent with §11(e) of Act 77 in proposing rules which "apply, except as expressly provided in this Act, equally to all providers of basic local exchange service." Act 77, 11(e). Staff has proposed rules which recognize the differing regulatory requirements for non-electing ILECs, electing ILECs and CLECs. The Staff's proposed rules also recognize that different services and service providers, such as interchange carriers (IXCs) are subject to different levels of competition and, therefore, should be subject to different forms of regulations. This is consistent with Act 77.

Staff, like the ILECs, proposes the consolidation of the General Service Rules, SRT and the IXC Rules. To the extent that the proposed revision of the General Service Rules is applicable only to telecommunications providers and does not have any substantial impact on the applicability of any General Service Rules to other public utilities subject to the Commission's jurisdiction, the proposed TPR's fall within the scope of the Commission's notice of proposed rulemaking. The proposed consolidation of rules into the TPR is consistent with Act 77 in recognizing that Act 77 intends that electing ILECs and CLECs are to be subject to a different form of regulation.

The Administrative Law Judge (ALJ) finds that the Rules of Practice and Procedure proposed by Staff and the Telecommunications Provider Rules proposed by Staff, as amended by Staff witness John Bethel are in compliance with Order No. 1 and are hereby adopted. T. 308-581, 621-24. The Staff is hereby directed to file the revised rules adopted herein in final form on

or before 2:00 p.m. on July 31, 1997. The revised rules shall be effective August 1, 1997.

In its Initial Comments, Staff states that twenty-one ILECs requested and were granted waivers from filing annual reports pursuant to Ark. Code Ann. §23-2-308. In each ILEC request for waiver, the ILEC requested a waiver of the requirement to file an annual report pending the revision of the Commission's rules and regulations in Docket No. 97-040-R. Staff contends in its Initial Comments that at a minimum, "each LEC should be required to submit a complete annual report for the year ending December 31, 1996." T. 266.

The ILECs allege in their Reply Comments that it was the intent of Act 77 "to abolish unnecessary and outdated regulations, and the annual reports to be submitted by electing companies are no longer needed for any Commission purpose." T. 272. When asked which rules the ILECs proposed to modify with regard to the annual reports filed by utilities, Mr. Strode, the ILEC witness, responded that annual reports "are not specifically set out in the rules anywhere . . ." T.601. He further stated that "I can't point you to a specific rule that sets out the form of the annual report. I don't believe that rule exists . . . I believe there's a statute that requires companies to make annual reports to the Commission in the form prescribed by the Commission." T. 601.


Contrary to the petitions for waiver filed by a number of ILECs, the requirement to file annual reports is not dependent on the outcome of this Docket. As the ILECs' witness testified, there are no Commission rules on the filing of annual reports and the ILECs did not propose any modification or amendment of any Commission rules regarding annual reports. The requirement to file annual reports is set forth in Ark. Code Ann. §23-2-308. §11(f) of Act 77 exempts electing ILECs and CLECs from certain statutes but it does not exempt electing ILECs and CLECs from Ark. Code Ann. §23-2-308.

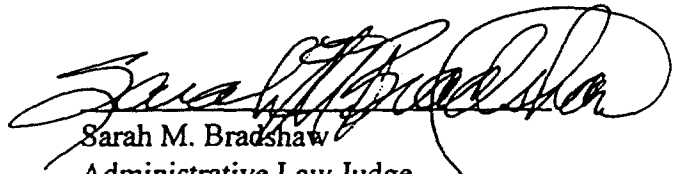
The annual report issue is beyond the scope of this proceeding. It is a statutory provision and it is not based upon any Commission rule which has been modified or amended in this Docket. The statute remains applicable to the ILECs regardless of the outcome of this proceeding.

In its Post Hearing Brief, ALLTEL contends that the proposed ILEC rules do not go far enough in exempting electing LEC and CLECs from regulation. However, ALLTEL did not raise this issue until after the hearing. The issues raised in ALLTEL's Post Hearing Brief were not raised in a timely manner and need not be addressed.

BY ORDER OF THE ADMINISTRATIVE LAW JUDGE PURSUANT TO
DELEGATION.

This 24th day of July, 1997.


Jan Sanders
Secretary of the Commission


Sarah M. Bradshaw
Administrative Law Judge

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FILED

DOCKET NO. 97-197-U
ORDER NO. 6

Southwestern Bell Telephone Company ("SWBT") filed an Application for Approval of a Statement of Generally Available Terms and Conditions ("Statement") on May 12, 1997. The Application was filed by SWBT pursuant to Sec. 252(f) of the Telecommunications Act of 1996 ("federal Act"), 47 U.S.C. §252(f) and Sec. 9(i) of Act 77 of 1997 ("Act 77").

(2) **STATE COMMISSION REVIEW.**— A State commission may not approve such statement unless such statement complies with subsection (d) of this section and section 251 and the regulations thereunder. Except as provided in section 253, nothing in this section shall prohibit a State commission from establishing or enforcing other requirements of State law in its review of such statement, including requiring compliance with intrastate telecommunications service quality standards or requirements.

(A) complete the review of such statement under paragraph (2) (including any reconsideration thereof), unless the submitting carrier agrees to an extension of the period for such review; or

(B) permit such statement to take effect.

(4) **AUTHORITY TO CONTINUE REVIEW.**— Paragraph (3) shall not preclude the State commission from continuing to review a statement that has been permitted to take effect under subparagraph (B) of such paragraph or from approving or disapproving such statement under paragraph (2).

Pursuant to Sec. 9(i) of Act 77:

(i) The Commission shall approve any negotiated interconnection agreement or statement of generally available terms filed pursuant to the Federal Act unless it is shown by clear and convincing evidence that the agreement or statement does not meet the minimum requirements of Section 251 of the Federal Act (47 USC 251). In no event shall the Commission impose any interconnection requirements that go beyond those requirements imposed by the Federal Act or any interconnection regulations or standards promulgated under the Federal Act.

Act 77 requires Commission approval of Statements filed by incumbent local exchange companies unless the Statement does not meet the minimum requirements of §251 of the federal Act. Sec. 251(c)(2)(D) provides that interconnection will be "on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, in accordance with the terms and conditions of the agreement and the requirements of section 252." In turn, §252(d) establishes the pricing standards that interconnection agreements must meet to be in compliance with Federal law. This section describes the cost basis that will be used to determine the appropriateness of prices.


Pursuant to §251(d), cost standards were developed by the Federal Communications Commission (FCC), however, the FCC rules are currently on appeal before the Eighth Circuit Court of Appeals. The Court stayed the interconnection rates developed by the FCC in CC Docket No. 96-98. Therefore, any determination by this Commission whether the prices contained in the SWBT Statement comply with the standards established by the FCC would be premature pending a ruling by the Eighth Circuit on the appeal of the FCC rules. The Commission cannot complete its review of SWBT's Statement in compliance with §252(f)(2) at this time. The Statement will take effect pursuant to §252(f)(3)(B) of the federal Act pending an order from the Eighth Circuit and further review by the Commission as provided in §252(f)(4).

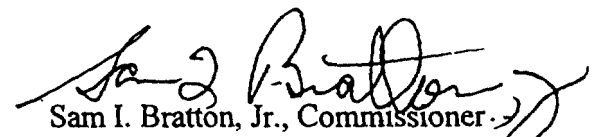
In its Application, SWBT states that the Commission has jurisdiction in this matter pursuant to 47 U.S.C. §271. However, 47 U.S.C. §271 does not confer jurisdiction on the Commission to review the Statement filed by SWBT.

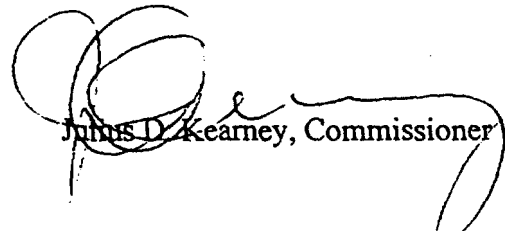
Nothing herein constitutes a finding by the Commission regarding 47 U.S.C. §271 or 47 U.S.C. §252.


BY ORDER OF THE COMMISSION.

This 10th day of July, 1997.


Lavenski R. Smith, Chairman


Sam I. Bratton, Jr., Commissioner


James D. Kearney, Commissioner


Jan Sanders
Secretary of the Commission

ARKANSAS
PUBLIC SERVICE COMMISSION

JUN 25 12 53 PM '97

IN THE MATTER OF THE APPLICATION OF)
SOUTHWESTERN BELL TELEPHONE COMPANY)
AND ALLTEL COMMUNICATIONS, INC. FOR)
APPROVAL OF INTERCONNECTION)
AGREEMENT UNDER THE)
TELECOMMUNICATIONS ACT OF 1996)

FILED

DOCKET NO. 97-155-U
ORDER NO. 3

ORDER

On April 10, 1997, Southwestern Bell Telephone Company (SWBT) and ALLTEL Communications, Inc. (ACI) filed a Joint Application for Approval of an Interconnection Agreement under the Telecommunications Act of 1996 (1996 Act) between SWBT and ACI. According to the Application, the Agreement was negotiated and executed pursuant to the terms of the 1996 Act.

On May 28, 1997, SWBT and ACI filed a Supplemental Filing to the Interconnection Agreement (Supplemental Agreement), stating that the parties had reached agreement upon the terms and conditions necessary for ACI to collocate within the premises of SWBT. The Supplemental Agreement, entitled *"Physical Collocation Agreement Between Southwestern Bell Telephone Company and ALLTEL Communications, Inc."* is attached as Exhibit A to the Supplemental Filing.

The 1996 Act requires that any negotiated interconnection agreement shall be submitted to the State commission for approval. The Commission shall approve or reject the agreement within ninety (90) days of the date it is submitted by the parties to the agreement or the

agreement is deemed approved. 47 U.S.C. §252(e). The 1996 Act specifies that the Commission may only reject:

(A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that:

- (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, or necessity; . . . 47 U.S.C. §252(e)(2).

Section 9(i) of Ark. Act 77 of 1997 requires that the Commission "approve any negotiated interconnection agreement . . . filed pursuant the Federal Act unless it is shown by clear and convincing evidence that the agreement . . . does not meet the minimum requirements of Section 251 of the Federal Act (47 U.S.C. 251).

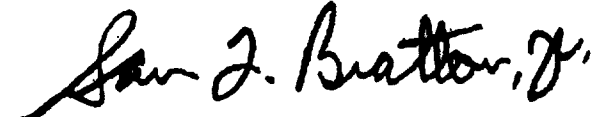
There was no evidence presented in the filed comments that either the Interconnection Agreement filed on April 10, 1997, or the Supplemental Agreement filed on May 28, 1997, between SWBT and ACI discriminates against a telecommunications carrier that is not a party to these agreements or that the agreements are not consistent with the public interest. The Interconnection Agreement and Supplemental Agreement between ACI and SWBT are negotiated agreements and there is no evidence that the agreements should be rejected pursuant to 47 U.S.C. §252(e)(2)(A) or Sec. 9(i) of Ark. Act 77 of 1997. Therefore, the Interconnection Agreement filed on April 10, 1997, and Supplemental Agreement filed on May 28, 1997, should be and are hereby approved pursuant to Sec. 252(e) of the 1996 Act, 47 U.S.C. §252(e).

BY ORDER OF THE COMMISSION.

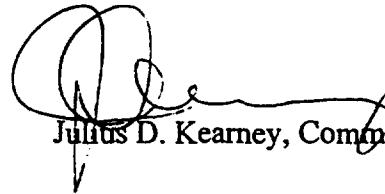
This 25th day of June, 1997.



Lavenski R. Smith, Chairman



Sam I. Bratton, Jr., Commissioner



Julius D. Kearney, Commissioner



Jan Sanders

Secretary of the Commission

Oct 18 2 18 PM '96

ARKANSAS PUBLIC SERVICE COMMISSION

FILED

IN THE MATTER OF SOUTHWESTERN BELL)
TELEPHONE COMPANY APPLICATION FOR)
APPROVAL OF INTERCONNECTION)
AGREEMENT UNDER THE)
TELECOMMUNICATIONS ACT OF 1996 WITH)
AMERICAN COMMUNICATION SERVICES OF)
LITTLE ROCK, INC.)

DOCKET NO. 96-258-U
ORDER NO. 2

O R D E R

On August 13, 1996, Southwestern Bell Telephone Company (SWBT) filed an Application for Approval of an Interconnection Agreement under the Telecommunications Act of 1996. The Application requests approval of an Interconnection Agreement between SWBT and American Communication Services of Little Rock, Inc. (ACSI). In its filing, SWBT states that:

The Agreement, is an integrated package and is the result of negotiation and compromise between prospective local exchange competitors. All issues have been resolved, except the price of unbundled loops, cross-connects, and the right to cross-connect between collocation cages, which will be submitted in a separate proceeding under which arbitration will be requested.

ACSI filed a Petition for Arbitration of the unresolved issues on August 13, 1996, in Docket No. 96-257-U. The Petition for Arbitration was filed pursuant to Sec. 252(b) of the Telecommunications Act of 1996 (1996 Act), 47 U.S.C. §252(b).

Pursuant to Order No. 1 entered on August 21, 1996, a public hearing was held on Wednesday, October 2, 1996.

The 1996 Act requires that any negotiated interconnection agreement shall be submitted to the State commission for approval. The Commission shall approve or reject the agreement within ninety (90) days of the date it is submitted by the parties to the agreement or the agreement is deemed approved. 47 U.S.C. §252(e).

The 1996 Act specifies that the Commission may only reject:

(A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that:

(i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or


(ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity;. . .
47 U.S.C. §252(e) (2).

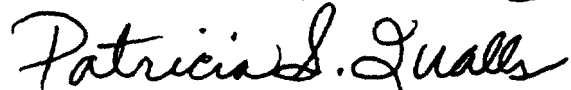
There was no evidence presented in the hearing or in the filed comments that the Interconnection Agreement between SWBT and ACSI discriminates against a telecommunications carrier that is not a party to the agreement or that the agreement is not consistent with the public interest. With the exception of the issues pending in Docket No. 96-257-U, the Interconnection Agreement between ACSI and SWBT is a negotiated agreement between SWBT and ACSI and there is no evidence that the Interconnection Agreement should be rejected pursuant to 47 U.S.C. §252(e) (2) (A). Therefore, the Interconnection Agreement filed by SWBT on August 13, 1996, should be and hereby is

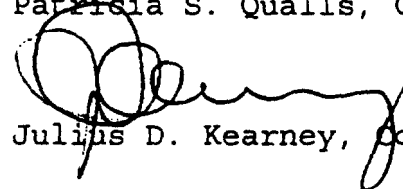
approved pursuant to Sec. 252(e) of the 1996 Act, 47 U.S.C.
§252(e).


BY ORDER OF THE COMMISSION.

This 18th day of October, 1996.


Sam I. Bratton, Jr., Chairman


Patricia S. Qualls, Commissioner


Julius D. Kearney, Commissioner


Jan Sanders
Secretary of the Commission

ARKANSAS PUBLIC SERVICE COMMISSION

DEC 10 8 07 AM '96

FILED

IN THE MATTER OF SOUTHWESTERN BELL)
 TELEPHONE COMPANY APPLICATION FOR)
 APPROVAL OF INTERCONNECTION)
 AGREEMENT UNDER THE)
 TELECOMMUNICATIONS ACT OF 1996 WITH)
 AMERICAN COMMUNICATION SERVICES OF)
 LITTLE ROCK, INC.)

DOCKET NO. 96-258-U
 ORDER NO. 4

O R D E R

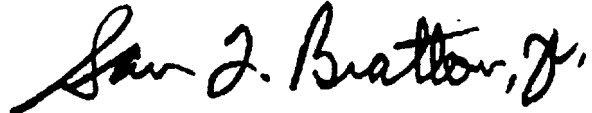
On November 4, 1996, Southwestern Bell Telephone Company (SWBT) and American Communication Services of Little Rock, Inc. (ACSI) filed a Stipulation and Agreement amending the Interconnection Agreement approved herein by Order No. 2 entered on October 18, 1996. The Stipulation and Agreement amends the Interconnection Agreement to resolve those issues which were the subject of arbitration in Docket No. 96-257-U.

Pursuant to Order No. 3, entered on November 12, 1996, Comments were filed by ACSI and Supplemental Comments were filed by the Staff of the Arkansas Public Service Commission. ACSI contends that the Stipulation and Agreements complies with Sec. 252(e)(2)(A) of the Telecommunications Act of 1996, 47 U.S.C. 252(e)(2)(A).

Based upon the comments filed, the Commission finds that the Stipulation and Agreement filed by SWBT and ACSI on November 4, 1996, amending the Interconnection Agreement between SWBT and ACSI complies with Sec. 252(e)(2)(A) of the Telecommunications Act of 1996, 47 U.S.C. 252(e)(2)(A) and is hereby approved.

BY ORDER OF THE COMMISSION.

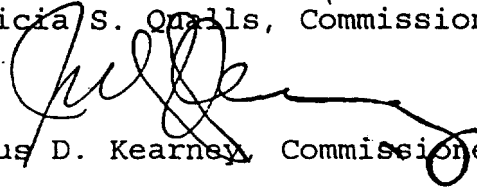
This 10th day of December, 1996.



Sam I. Bratton, Jr., Chairman



Patricia S. Qualls, Commissioner



Julius D. Kearney, Commissioner



Jan Sanders
Secretary of the Commission

ARKANSAS
PUBLIC SERVICE COMMISSION

ARK. PUB. SERV. COMM.
JUN 25 12 53 PM '97

FILED

IN THE MATTER OF THE APPLICATION OF)
AMERICAN COMMUNICATION SERVICES OF)
LITTLE ROCK, INC. AND SOUTHWESTERN)
BELL TELEPHONE COMPANY FOR)
APPROVAL OF MODIFICATION TO)
INTERCONNECTION AGREEMENT)

DOCKET NO. 97-199-U
ORDER NO. 3

ORDER

On May 13, 1997, Southwestern Bell Telephone Company (SWBT) and American Communication Services of Little Rock, Inc. (ACSI) filed a Joint Application for Approval of Modification to the Interconnection Agreement (modified Agreement) under the Telecommunications Act of 1996 (1996 Act). According to the Application, the modified Agreement was negotiated and executed pursuant to the terms of the 1996 Act.

The 1996 Act requires that any negotiated interconnection agreement shall be submitted to the State commission for approval. The Commission shall approve or reject the agreement within ninety (90) days of the date it is submitted by the parties to the agreement or the agreement is deemed approved. 47 U.S.C. §252(e). The 1996 Act specifies that the Commission may only reject:

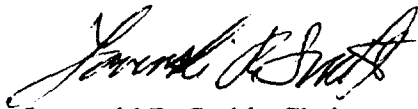
- (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that:
- (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, or necessity; . . . 47 U.S.C. §252(e)(2).

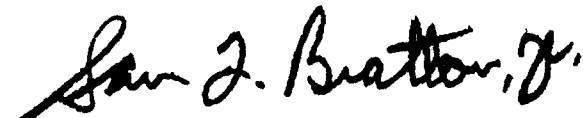
Section 9(i) of 1997 Ark. Act 77 requires that the Commission "approve any negotiated interconnection agreement . . . filed pursuant to the Federal Act unless it is shown by clear and convincing evidence that the agreement . . . does not meet the minimum requirements of Section 251 of the Federal Act (47 U.S.C. 251).

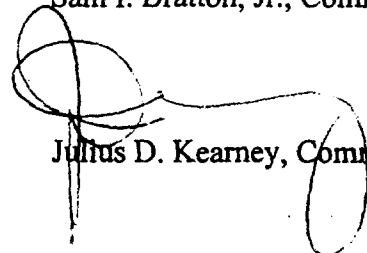
There is no evidence that the modified Agreement between SWBT and ACSI discriminates against any telecommunications carrier that is not a party to the agreement or that the agreement is not consistent with the public interest. The modified Agreement between SWBT and ACSI filed on May 13, 1997, is hereby approved pursuant to Sec. 252(e) of the 1996 Act, 47 U.S.C. §252(e).


BY ORDER OF THE COMMISSION.

This 25th day of June, 1997.


Lavenski R. Smith, Chairman


Sam I. Bratton, Jr., Commissioner


Julius D. Kearney, Commissioner


Jan Sanders
Secretary of the Commission

ARKANSAS PUBLIC SERVICE COMMISSION

Nov 8 12 21 PM '96

FILED

IN THE MATTER OF SOUTHWESTERN BELL)
TELEPHONE COMPANY APPLICATION FOR)
APPROVAL OF INTERCONNECTION)
AGREEMENT UNDER THE)
TELECOMMUNICATIONS ACT OF 1996 WITH)
BROOKS FIBER COMMUNICATIONS OF)
ARKANSAS, INC.)

DOCKET NO. 96-278-U
ORDER NO. 2

O R D E R

On August 30, 1996, Southwestern Bell Telephone Company (SWBT) and Brooks Fiber Communications of Arkansas, Inc. (Brooks) filed a Joint Application for Approval of an Interconnection Agreement under the Telecommunications Act of 1996. The Application requests approval of an Interconnection Agreement between SWBT and Brooks. According to the Joint Application, the Interconnection Agreement was negotiated and executed pursuant to the terms of the 1996 Act.

Pursuant to Order No. 1 entered on September 4, 1996, a public hearing was held on Thursday, October 17, 1996.

The 1996 Act requires that any negotiated interconnection agreement shall be submitted to the State commission for approval. The Commission shall approve or reject the agreement within ninety (90) days of the date it is submitted by the parties to the agreement or the agreement is deemed approved. 47 U.S.C. §252(e).

The 1996 Act specifies that the Commission may only reject:

(A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that:

(i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity;. . .
47 U.S.C. §252(e)(2).

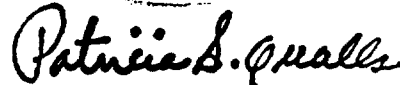
There was no evidence presented in the hearing or in the filed comments that the Interconnection Agreement between SWBT and Brooks discriminates against a telecommunications carrier that is not a party to the agreement or that the agreement is not consistent with the public interest. The Interconnection Agreement between Brooks and SWBT is a negotiated agreement between SWBT and Brooks and there is no evidence that the Interconnection Agreement should be rejected pursuant to 47 U.S.C. §252(e)(2)(A). Therefore, the Interconnection Agreement filed by SWBT and Brooks on August 30, 1996, should be and hereby is approved pursuant to Sec. 252(e) of the 1996 Act, 47 U.S.C. §252(e).

BY ORDER OF THE COMMISSION.

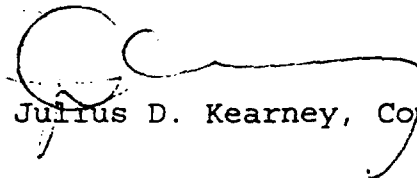
This 8th day of November, 1996.



Sam I. Bratton, Jr., Chairman



Patricia S. Qualls, Commissioner



Julius D. Kearney, Commissioner



Jan Sanders
Secretary of the Commission

MAR 14 1 39 PM '97

ARKANSAS PUBLIC SERVICE COMMISSION

FILED

IN THE MATTER OF SOUTHWESTERN BELL)
TELEPHONE COMPANY APPLICATION FOR)
APPROVAL OF INTERCONNECTION)
AGREEMENT UNDER THE)
TELECOMMUNICATIONS ACT OF 1996 WITH)
CAPITAL TELECOMMUNICATIONS, INC.)

DOCKET NO. 97-029-U
ORDER NO. 2

ORDER

On January 29, 1997, Southwestern Bell Telephone Company (SWBT) and Capital Telecommunications, Inc. (CTI) filed a Joint Application for Approval of an Interconnection Agreement under the Telecommunications Act of 1996. According to the Joint Application, the Interconnection Agreement was negotiated and executed pursuant to the terms of the 1996 Act.

The Telecommunications Act of 1996 (1996 Act) requires that any negotiated interconnection agreement shall be submitted to the State commission for approval. The Commission shall approve or reject the agreement within ninety (90) days of the date it is submitted by the parties to the agreement or the agreement is deemed approved. 47 U.S.C. §252(e).

The 1996 Act specifies that the Commission may only reject:

- (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that:
 - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; . . .
- 47 U.S.C. §252(e)(2).